

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS
COMMERCE COMMISSION

ORIGINAL

JAN 31 1 20 PM '02

Illinois Bell Telephone Company)	CHIEF CLERK'S OFFICE
)	
Application for Review of Alternative)	Docket No. 98-0252
Regulation Plan)	
)	
Illinois Bell Telephone Company)	
)	
Petition to Rebalance Illinois Bell)	Docket No. 98-0335
Telephone Company's Carrier Access and)	
Network Access Line Rates)	
)	
Citizens Utility Board, People of the State of)	
Illinois)	Docket No. 00-0764
v.)	
Illinois Bell Telephone Company)	(Consol.)

**REPLY TO RESPONSES TO JOINT
MOTION TO REOPEN THE RECORD**

Illinois Bell Telephone Company ("Ameritech Illinois" or the "Company"), by its attorneys, hereby files its Reply to the Responses filed by the Commission Staff ("Staff"); GlobalCom, Inc. and XO jointly ("GlobalCom/XO"); Z-Tel Communications, Inc. ("Z-Tel"); and AT&T Communications of Illinois, Inc., WorldCom, Inc. and McLeodUSA, Inc. jointly ("CLECs/IXCs") to the Joint Motion to Reopen the Record filed by Ameritech Illinois, the Citizens Utility Board, the Illinois Attorney General, the People of Cook County and the City of Chicago.

Staff supports the Motion to Reopen the Record (Staff Response, pp. 3-5). Staff recommends, however, that all parties to both the SBC/Ameritech merger docket (Docket 98-0555) and the audit proceeding (Docket 01-0128) be provided notice of the reopening. Ameritech Illinois has not objection to Staff's proposal. Ameritech Illinois also supports

Staff's proposed procedural schedule. The Joint Proposal can and should be addressed expeditiously.

The CLECs/IXCs and GlobalCom/XO contend that the merger docket should be reopened to ensure that proper notice is given to the merger docket parties -- either in lieu of or in addition to reopening the record in this proceeding. It is not administratively necessary or appropriate to reopen the merger docket. Staff's proposal to serve the Commission's order reopening this record in this docket on the parties to the merger docket completely addresses the due process concerns raised by the carriers.

Furthermore, the order in the merger docket is final and it has been affirmed on appeal.

The CLECs/IXCs provide no support in Commission practice for reopening a final order.

It is typical to modify a Commission order in a separate proceeding, as has been recommended here. For example, this Commission established a Primary Toll Carrier ("PTC") Plan in Docket 83-0142, which designated one incumbent local exchange carrier the PTC in each of the Market Service Areas in Illinois and assigned them specific responsibilities relative to interMSA toll rates in that MSA. Subsequently, in *Ameritech Illinois' Customers First* proceeding, the Commission concluded that the PTC Plan should be reevaluated. Order in Docket 94-0096/94-0117/94-0146, adopted April 7, 1995, pp. 127-28, 135. The PTC Plan was then terminated in yet a third proceeding. Order in Docket 95-0803, adopted December 20, 1995, p. 13. At no time was Docket 83-0142 reopened.

The issues raised in the Joint Motion are properly addressed in this proceeding. As the Joint Motion pointed out, the Commission deferred the merger costs and savings issues in the original merger order to this docket. Contrary to the CLECs/IXCs' contentions, it would be appropriate and administratively efficient to address the issues in this one docket.

Z-Tel and, to a lesser degree, GlobalCom/XO raise substantive objections to the Joint Proposal. These are issues which the parties can raise in the reopened proceeding, where they can be presented with evidentiary support. They are not legally relevant to a Motion to Reopen the Record and cannot be substantively relied on by the Commission at this time.

WHEREFORE, in view of the foregoing, the Joint Motion should be granted so that the merits of this proposal can be addressed on the record.¹

Respectfully submitted,

ILLINOIS BELL TELEPHONE COMPANY

By: 
One of Its Attorneys

Louise A. Sunderland
Karl B. Anderson
Mark A. Kerber
Illinois Bell Telephone Company
225 West Randolph, Floor 25D
Chicago, IL 60606
312/727-6705

¹ Staff's Draft Order Reopening Proceeding suggests that the Commission include a statement to the effect that the Joint Proposal would, if adopted, result in a solution that is "substantially different" from the one the Commission contemplated in the merger docket. It is inappropriate and unnecessary for the Commission to reach such a conclusion in an order reopening the proceeding. Ameritech Illinois would also point out that the Draft Order contains a misstatement regarding the clarification of business services which should be corrected. In the amendments to the Public Utilities Act, all business services were declared competitive, not just those provided to businesses that subscribed to five lines or more. (Draft Order, p. 3, ¶¶ 2 and 3). Also, the Draft Order requires the Joint Movants to serve their Motion to Reopen on all of the parties to the merger docket and the Audit Review Docket. This requirement appears duplicative since the Commission's order reopening this proceeding will be served on these parties and the order summarizes the salient portions of the Joint Motion. (Draft Order, p. 2). The Joint Movants would, of course, provide copies of the Joint Motion to parties upon request.

CERTIFICATE OF SERVICE

I, the undersigned, certify that a copy of the foregoing document was served on the parties on the attached service list by electronic transmission and by U.S. Mail on January 25, 2002.


Louise A. Sunderland

SERVICE LIST FOR ICC DOCKET NO. 98-0252/98-0335/00-0764

Philip Casey
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, IL 60601-3104
pcasey@icc.state.il.us

Jack Pace
City of Chicago
30 North LaSalle Street, Suite 900
Chicago, IL 60602
jpace@ci.chi.il.us

Patrick N. Giordano
Giordano & Neilan, Ltd.
333 North Michigan Avenue
Suite 2800
Chicago, IL 60601
patrickgiordano@dereglaw.com

Calvin Manshio
Manshio & Wallace
4753 North Broadway Avenue
Suite 732
Chicago, IL 60640
calpeg@worldnet.att.net

Henry Kelly
Joseph E. Donovan
O'Keefe, Ashenden, Lyons & Ward
30 North LaSalle Street, Suite 4100
Chicago, IL 60602
hkelly@oalw.com
jedonovan@oalw.com

Owen E. MacBride
Terri Brieske
Schiff Hardin & Waite
233 South Wacker Drive
6600 Sears Tower
Chicago, IL 60606
omacbride@schiffhardin.com
tbrieske@schiffhardin.com

Robert J. Kelter
Citizens Utility Board
208 South LaSalle, Suite 1760
Chicago, IL 60604
rkelter@cuboard.org

Matthew L. Harvey
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, IL 60601
mharvey@icc.state.il.us

Eve Moran
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, IL 60601
emoran@icc.state.il.us

John E. Rooney
Sonnenschein Nath & Rosenthal
800 Sears Tower
233 South Wacker Drive
Chicago, IL 60606
jrooney@sonnenschein.com

Michael Ward
Michael W. Ward, P.C.
1608 Barclay Blvd
Buffalo Grove, IL 60089
mwward@dnsys.com

Dennis Muncy
Joseph Murphy
Matt Deering
Meyer Capel
306 West Church Street
P.O. Box 6750
Champaign, IL 61826
dmuncy@mevercapel.com
jmurphy@mevercapel.com
mdeering@mevercapel.com

Allan Goldenberg
Environment & Energy Division
Cook County State's Attorney's Office
69 West Washington, Suite 700
Chicago, IL 60602
agolden@cookcountygov.com

Cheryl Urbanski Hamill
AT&T Communications
222 West Adams Street, Suite 1500
Chicago, IL 60606
chamill@att.com

Darrell S. Townsley
WorldCom
205 North Michigan Avenue
11th Floor
Chicago, IL 60601
darrell.townsley@wcom.com

Peter Nyce, Jr.
Department of the Army
Office of the Judge Advocate General
901 North Stuart Street
Arlington, VA 22203
peter.nyce@hqda.army.mil

Susan L. Satter
Public Utilities Bureau
100 West Randolph Street, 11th Floor
Chicago, IL 60601
ssatter@atg.state.il.us

Marie Spicuzza
Environment & Energy Division
Cook County State's Attorney's Office
69 West Washington, Suite 700
Chicago, IL 60602
saopib@wwa.com

Brian Rankin
XO Illinois, Inc.
303 East Wacker, Concourse Level
Chicago, IL 60601
brankin@nextlink.com

Clyde Kurlander
Lindenbaum, Coffman, Kurlander
Three First National Plaza
70 West Madison Street, Suite 2315
Chicago, IL 60602
ckatlantis@aol.com

Richard M. Rindler
Swidler Berlin Shereff & Friedman
3000 K Street NW, Suite 300
Washington, DC 20007
rmrindler@swidlaw.com

David Woodsmall
MGC Communications, Inc.
3301 North Buffalo Drive
Las Vegas, NV 89129
gwoodsmall@mgcicorp.com

Kent F. Heyman
MGC Communications, Inc.
171 Sully's Trail, Suite 202
Pittsford, NY 14534
kheyman@mgcicorp.com

Carol P. Pomponio
XO Illinois, Inc.
303 East Wacker, Concourse Level
Chicago, IL 60601
cpomponio@xo.com

Stephen D. Minnis
Sprint Communications
8140 Ward Parkway, 5E
Mailstop MOKCMP0503
Kansas City, MO 64114
steve.minnis@mail.sprint.com